

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on September 22, 2009, and the references cited therewith.

Claims 72, 76, 97, 103, and 131-133 are amended, claims 1-71, 82-83, 85-94, 107-109, and 113-128 are canceled, and no claims are added; as a result, claims 72-81, 84, 95-106, 110-112, and 129-133 are now pending in this application.

#### **Examiner's Interview Summary**

Applicant and Examiner Woo conducted a telephone interview on October 30, 2009, to discuss claim language and proposed amendments thereof to overcome the teachings of the references cited in the present Office Action and, in addition, the teachings of the newly referenced 5,683,449 and 6,884,260 issued U.S. patents. Agreement appeared to be reached that the amended claim language articulated in the present response overcomes 103 rejections as presented in the Office Action and potential rejections utilizing the 5,683,449 and 6,884,260 issued U.S. patents as prior art. Claim language added after the interview finds support on page 5, paragraph 0076, of the present published U.S. application 2004/0098086. Applicant thanks the Examiner for his time and consideration.

#### **Claim Objections**

Claim 132 and the specification were objected to because of an informality, which can be corrected as follows: "[A]ngeological" should be replaced by --angiological--. Appropriate correction is required.

Applicant has amended claim 132, the specification, and the Abstract to correct the spelling of angiological. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to dependent claim 132.

§ 112 Rejection of the Claims

Claim 131 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. “A system...of claim 133” lacks antecedent basis.

Applicant has amended claim 131 to provide proper antecedent basis by reciting, “The graft for treatment of aneurysms or occlusive diseases as claimed in claim 133”. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 112 rejection of dependent claim 131.

§103 Rejection of the Claims

Claims 72-78, 81, 84 and 96-101 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Weldon, et al. (U.S. Patent No. 5,084,065) in view of Barone, et al (U.S. Patent No. 5,360,443). Applicant respectfully traverses the rejection as follow.

Applicant respectfully submits that the Weldon reference appears to teach a “graft component and a reinforcing sleeve component, each of which has an appropriately sized internal diameter so that the graft component may be fitted within the sleeve component.” (Col. 1, lines 9-13). The Weldon reference also appears to teach, “An external layer 41 may be fabricated and laid over the outer surface 33 of the intermediate layer 31”. (Col. 5, lines 46-47).

In addition, Applicant respectfully submits that the Barone reference appears to teach, “The first end 161 of tube 160 is connected to the second end 168 of the thin-walled member 166, as by a plurality of sutures 170 (FIG 2).” (Col 6, lines 12-14). The Barone reference also appears to teach, “Preferably, the first end 161 of tube 160 overlaps and covers the second end 168 of thin-walled member 166, such overlap being approximately 50% of the length of thin-walled member 166.” (Col. 6, lines 16-19).

In contrast, Applicant’s independent claim 72, as currently amended, presently recites in part:

wherein said primary graft body is carried by a plurality of separated wire hoops each having a sinuous configuration with a plurality of apices, said plurality of separated wire hoops each having a circumference that lies in a plane substantially perpendicular to a common axis and each being axially displaced in a tubular configuration along the common axis;

wherein said plurality of separated wire hoops of said primary graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width; and

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices.

Independent claim 76, as currently amended, presently recites in part:

wherein said plurality of separated wire hoops of said primary graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width; and

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices.

In addition, independent claim 97, as currently amended, presently recites in part:

wherein said plurality of separated wire hoops of said first graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width; and

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices.

As such, Applicant respectfully submits that the Weldon reference and the Barone reference, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claims 72, 76, and 97, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 72, 76, and 97, as currently amended, as well as those claims that depend therefrom.

Claims 79-80, 95, and 102 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Weldon, et al. (U.S. Patent No. 5,084,065) in view of Barone, et al (U.S. Patent No. 5,360,443), and further in view of Wallsten (U.S. Patent No. 4,655,771). Applicant respectfully traverses the rejection as follow.

Claims 79-80 and 95 depend from independent claim 76 and claim 102 depends from independent claim 97. As presented above, Applicant respectfully submits that independent claims 76 and 102, as currently amended, are in condition for allowance in light of the Weldon and Barone references. Applicant respectfully submits that the Wallsten reference does not cure the deficiencies of the Weldon and Barone references. That is, the Weldon, Barone, and Wallsten references, individually or in combination, do not teach, suggest, or render obvious:

wherein said plurality of separated wire hoops of said primary graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width; and

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices.

as recited in Applicant's independent claim 76, as currently amended. Nor do the Weldon, Barone, and Wallsten references, individually or in combination, teach, suggest, or render obvious:

wherein said plurality of separated wire hoops of said first graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width; and

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices.

as recited in Applicant's independent claim 97, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 79-80, 95, and 102.

Claims 103-106 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Weldon, et al. (U.S. Patent No. 5,084,065) in view of Barone, et al (U.S. Patent No. 5,360,443), and further in view of Porter (U.S. Patent No. 5,064,435). Applicant respectfully traverses the rejection as follow.

As presented more fully above with regard to independent claims 72, 76, and 97, the Weldon reference appears to teach a graft component and a reinforcing sleeve component, each of which has an appropriately sized internal diameter so that the graft component may be fitted within the sleeve component and an external layer that may be laid over the outer surface 33 of the intermediate layer". In addition, the Barone reference appears to teach a first end of a tube that is connected to the second end of the thin-walled member by a plurality of sutures and that the first end of the tube overlaps and covers the second end of the thin-walled member, such overlap being approximately 50% of the length of thin-walled member."

In contrast, Applicant's independent claim 103, as currently amended, presently recites in part:

wherein said plurality of separated wire hoops of said first graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width; and

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices.

Applicant respectfully submits that the Porter reference does not cure the deficiencies of the Weldon and Barone references.

As such, Applicant respectfully submits that the Weldon, Barone, and Porter references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 103, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 103, as currently amended, as well as those claims that depend therefrom.

Claims 110, 112, and 131-133 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Barone, et al (U.S. Patent No. 5,360,443) in view of Weldon, et al. (U.S. Patent No. 5,084,065). Applicant respectfully traverses the rejection as follow.

As presented more fully above with regard to independent claims 72, 76, and 97, the Weldon reference appears to teach a graft component and a reinforcing sleeve component, each of which has an appropriately sized internal diameter so that the graft component may be fitted within the sleeve component and an external layer that may be laid over the outer surface 33 of the intermediate layer". In addition, the Barone reference appears to teach a first end of a tube that is connected to the second end of the thin-walled member by a plurality of sutures and that the first end of the tube overlaps and covers the second end of the thin-walled member, such overlap being approximately 50% of the length of thin-walled member."

In contrast, Applicant's independent claim 133, as currently amended, presently recites in part:

wherein said plurality of separated wire hoops of said first graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate

hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width;

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices;

As such, Applicant respectfully submits that the Barone and Weldon references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 133, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 133, as currently amended, as well as those claims that depend therefrom.

Claim 111 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Barone, et al (U.S. Patent No. 5,360,443) in view of Weldon, et al. (U.S. Patent No. 5,084,065), and further in view of Wallsten (U.S. Patent No. 4,655,771). Applicant respectfully traverses the rejection as follow.

Claim 111 depends indirectly from independent claim 133. As presented above, Applicant respectfully submits that independent claim 133, as currently amended, is in condition for allowance in light of the Weldon and Barone references. Applicant respectfully submits that the Wallsten reference does not cure the deficiencies of the Weldon and Barone references. That is, the Weldon, Barone, and Wallsten references, individually or in combination, do not teach, suggest, or render obvious:

wherein said plurality of separated wire hoops of said first graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width;

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being

joined together on the outside surface of said primary graft body at a number of juxtaposed apices;

as recited in Applicant's independent claim 133, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 111.

Claims 129-130 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Barone, et al (U.S. Patent No. 5,360,443) in view of Weldon, et al. (U.S. Patent No. 5,084,065), and further in view of Porter (U.S. Patent No. 5,064,435). Applicant respectfully traverses the rejection as follow.

Claims 129-130 depend from independent claim 133. As presented above, Applicant respectfully submits that independent claim 133, as currently amended, is in condition for allowance in light of the Weldon and Barone references. Applicant respectfully submits that the Porter reference does not cure the deficiencies of the Weldon and Barone references. That is, the Weldon, Barone, and Porter references, individually or in combination, do not teach, suggest, or render obvious:

wherein said plurality of separated wire hoops of said first graft body includes hoops associated with said proximal end and said distal end that have a unit width between said apices and intermediate hoops between the loops associated with said proximal end and said distal end that have a width between said apices greater than the unit width;

wherein each of said plurality of separated wire hoops comprises two opposing ends, said ends on adjacent wire loops being joined together on the outside surface of said primary graft body at a number of juxtaposed apices;

as recited in Applicant's independent claim 133, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 129-130.



**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0120 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on this 11 day of November, 2009.

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